

Administrative Response to Alleged Employee Law Violation Policy

Approved:

Date: June 2012



I. Policy

Probation staff shall be held to a high standard of conduct commensurate with their position as an employee of the Nebraska Supreme Court.

The Administrative Office of Probation adheres to the policies and procedures of the Nebraska Supreme Court. Violations of law will not be tolerated and shall be dealt with through a disciplinary action.

II. Purpose

To ensure employees of the Nebraska Probation System meet the high expectations to which they are held by the Nebraska Supreme Court, Administrative Office of Probation, and citizens of Nebraska.

III. Reference

Nebraska Supreme Court Policies and Procedures

IV. Procedure

When an individual within a supervisory position of the Nebraska Probation System becomes aware of an employee being accused, arrested, charged, or convicted of a law violation, that person shall immediately investigate the situation.

A. Investigation

1. The employee shall immediately be suspended with or without pay pending an investigation.
2. The employee shall be notified of the allegations both verbally and in writing. Allegations shall be reviewed with the employee, allowing him/her an opportunity to respond with information and/or explanation.
3. Other staff members shall be advised the employee will not be at the workplace for a period of time. The employee shall be informed the investigation is a confidential matter and thus information cannot be shared with other staff members unless they are directly affected by the incident(s) in question and would be part of the investigation.
4. The employee's workload shall be temporarily assigned to other employees, noting the assignment may be for several weeks pending completion of the investigation.
5. Administration and Operations Division of the Administrative Office of Probation shall be immediately notified so the employee's Internet rights and email access are suspended until further notice.

6. The matter shall be thoroughly investigated. This may include, but is not limited to:
 - a) Obtaining police reports.
 - b) Interviewing law enforcement officials.
 - c) Interviewing all individuals who may have knowledge of the incident. If interviewing other staff members, advise them of the confidential nature of the situation and instruct them not to discuss the matter with anyone other than those individuals conducting the investigation. Advise them retaliation will not be tolerated and, should retaliation occur, it shall be reported immediately to investigating officials.

B. Discipline

1. Once the investigation is complete, Step 2 of the disciplinary process shall be started. A second meeting shall be conducted with the employee advising him/her of the specific violation(s) of policy. Employees shall be allowed to refute the information or present mitigating evidence.
2. A third meeting shall be conducted with the employee, allowing him/her to again provide information or evidence they wish to submit. After receiving final comments, information, or evidence from the employee, the supervisor may or may not immediately proceed to impose disciplinary action.
3. Documents from all meetings shall contain a signed acknowledgement of the employee noting he/she received a copy of the document.
4. A copy of all documents shall be placed in the employee's District Personnel file. An additional copy shall be forwarded to the Administrative Office of Probation.
5. In the event there is evidence that the employee did commit the law violation and the employee's employment is terminated, or should the employee resign, the following actions shall be taken:
 - a) Notify the employee he/she shall be given two (2) week's severance pay (unless the employee's resignation indicates it is immediate.)
 - b) All county or state equipment shall be collected and retained. This may include, but is not limited to:
 - (1) Badge (return to Administration and Operations Division)
 - (2) State and County Identification Cards
 - (3) Cellular Phone
 - (4) Handcuffs

- (5) Keys (office, handcuffs, state vehicle)
 - (6) Laptop or other portable computer device, including any information storage equipment, i.e., flash drive
- 6. The Administrative Office of Probation shall immediately be notified of termination or resignation via telephone and/or email. This shall be followed by forwarding a copy of the disciplinary action and/resignation, making certain the specific date of departure is clearly stated.